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January 6, 2016

The Honorable Charles R. Breyer
San Francisco Courthouse, Courtroom 6 - 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*
MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to Pretrial Order No. 1, I make this application for appointment to serve in a leadership position on the proposed Plaintiffs' Steering Committee.

I am a member of the firm of Levin, Fishbein, Sedran & Berman ("LFSB"). I am a graduate of University of Pittsburgh (B.A. 1994) and Oklahoma City University School of Law (J.D. 1997). I am admitted to practice before the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit. I am a member of the American, Pennsylvania and Philadelphia County Bar Associations, as well as the American and Pennsylvania Association for Justice. I serve on the Board of Directors for the Philadelphia Trial Lawyers Association.

I have experience working on automobile cases. Specifically, as identified in the attached resume, I served as class counsel on two automobile cases, *Henderson, et al v. Volvo Cars of North America, LLC, et al*, No. 09-cv-4146 (D.N.J)(class action brought on behalf of individuals who purchased Volvo vehicles with defective transmissions) and *Grant, et al v. Bridgestone/Firestone, Inc. and Ford Motor Company*, September Term, 2000, No. 003668 (C.C.P. Phila.)(involving the Ford Explorer debacle). Also, I have a wealth of experience serving as class counsel in complex litigation. I work well with other counsel and I am willing and able to work under any leadership team. I have the support of Stuart Eppsteiner as well as Elizabeth Cabraser, Christopher Seeger, Lynn Sarko and Stephen H. Echsner. I also support their applications for Lead Counsel as well as the application of Joseph Cotchett.

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I am interested in representing all plaintiffs in this matter, however, I am named counsel on complaints, *Brownlow v. Volkswagen Group of America, Inc.*, 2:15-cv-13963 (E.D.Mi.) and *Knisley, et al. v. Volkswagen Group of America, Inc.*, 2:15-cv-02670 (W.D.Tenn.), which purport to represent all vehicle owners and leasees.

I have available to me experienced colleagues from LFSB to assist in prosecuting and fulfilling the duties required for the above matter. In fact, I have been mentored by Arnold Levin and Frederick Longer in assisting them in their particular roles as lead and liaison counsel for numerous MDL litigations. With these resources available, I will be able to serve on a steering committee in a case of this importance and magnitude. I will be able to draw on the experience of Arnold Levin and Frederick Longer who, as identified below, have in the past decade served as lead and liaison counsel and on executive committees in numerous significant MDL actions.

Arnold Levin is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers, and chosen by his peers to be listed in Best Lawyers of America.

Arnold Levin has been recognized as one of 500 leading lawyers in America by Lawdragon and The Legal 500 USA. U.S. News and World Report has designated LFSB as one of the top 22 national plaintiffs' firms in mass torts and complex litigation. In addition, he has been further recognized as one of the top 100 trial lawyers by The National Trial Lawyers Association. He was also named to the National Law Journal's Inaugural List of America's Elite Trial Lawyers. He also has an "av" rating in Martindale-Hubbell and is listed in Martindale-Hubbell's Register of Preeminent Lawyers.

Arnold Levin also serves as Co-Chairman of Plaintiffs' Management Committee, Liaison Counsel, and Class Counsel in *In re Diet Drug Litigation*, MDL 1203. He is a member of the Plaintiffs' Steering Committee in *In re National Football League Players' Concussion Litigation*, MDL No. 2323 where he assisted Lead Counsel, Christopher Seeger, in negotiating the pending nationwide settlement. The Honorable Eldon E. Fallon has also appointed Arnold Levin as Plaintiffs' Executive Committee in *In Re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); Lead Counsel in *In Re Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.); Plaintiffs' Executive Committee, Plaintiffs' Steering Committee, Settlement Negotiation Committee and Fee Allocation Committee in *In Re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D.La.) (where Mr. Levin was Chairman of the Law and Briefing Committee and Mr. Levin was also on the committee to allocate attorney fees after approval of the nationwide settlement) and The Honorable Carl J. Barbier appointed Mr. Levin as Special Counsel to Fee and Cost Committee in *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010 Litigation*; MDL No. 2179 (E.D.La.).

Arnold Levin was on the Executive Committee as well as various other committees and

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lead trial counsel in the case of *In Re Asbestos School Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 83-0268, which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs' Steering Committee in *In re Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation*, MDL Docket No. 94-140-1013 (Dist. Wyoming); *In re Norplant Contraceptive Products Liability Litigation*, MDL No. 1038 (E.D. Tex.); and *In re Teletronics Pacing Systems, Inc., Accufix Atrial "J" Lead Products Liability Litigation*, MDL No. 1057 (S.D. Ohio).

Arnold Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs' Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S. The Honorable Louis L. Bechtel appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs' Legal Committee and Liaison Counsel in the MDL proceeding of *In re Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). He was also a member of a four lawyer Executive Committee in *In re Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.). He was Chair of the State Liaison Committee in *In re Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D. WA); and Court approved Medical Monitoring Committee in *In re Human Tissue Products Liability Litigation*, MDL No. 1763 (District of N.J.). He was Plaintiffs' Liaison Counsel in *In re CertainTeed Corp. Roofing Shingles Products Liability Litigation*, MDL No. 1817 (E.D. Pa.). *In re Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328; *In Re Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545 (N.D. Ill.); *In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.); and *In re Yasmin and Yaz Marketing, Sales Practices and Relevant Products Liability Litigation*, MDL No. 2100 (S.D. Ill.). He is a member of Plaintiffs' Executive Committee in *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL No. 2428 (D. Mass). Arnold Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska).

Frederick Longer is currently a member of the Plaintiffs' Steering Committee in *In re Mirena Products Liability Litigation*, MDL No. 2434 (S.D.N.Y.) and *In Re: Xarelto (Rivaroxaban) Products Liability Litigation*, MDL No. 2592 (E.D.La.).

LFSB has met every financial obligation in any MDL proceeding where it was named as Lead Counsel to a Plaintiff's Steering Committee. LFSB has always paid its assessments on time and committed resources necessary to effectively prosecute the claims. Given my experience and my firm's experience in complex litigation of this nature, my proven abilities to perform complicated administrative tasks, ability to work well with other counsel and commitment to this litigation, I respectfully request appointment to the Plaintiffs' Steering Committee. I dedicate my resources, as well as that of my firm, to working with and serving Your Honor in any capacity that the Court deems appropriate.

Respectfully,



DANIEL C. LEVIN

cc: All Counsel of Record (via Court's Electronic Notification System)